

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

June 3, 1998

ORDER APPROVING ACCESS  
RATES

UNION RIVER TELEPHONE COMPANY  
Proposed Tariff Revision For  
Intrastate Access Rates

Docket No. 98-391

WELCH, Chairman; NUGENT, Commissioner

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On May 27, 1998, Union River Telephone Company (Union River) filed access charges. Previously, Union River has concurred in the access rates of New England Telephone and Telegraph Company d/b/a Bell Atlantic-Maine (BA-ME). Late in 1997, BA-ME had notified Union River (and all other independent telephone companies (ITCs)) that it would not renew the existing settlements contracts between itself and the ITCs. In the absence of a settlements agreement, concurrence is not appropriate. A more detailed description of the events leading to separate access charges by the ITCs is provided in our May 26, 1998 Order in Docket No. 97-959 et al.

Separately, Chapter 280 § 8(J)(2)(c) requires local exchange carriers, by May 30, 1998, to reduce their access rates by at least 40% of the difference between their existing levels and the rates that subsection J(2)(d) requires to be in effect by May 30, 1999, i.e. the "level of interstate access rates (or interstate NECA pool disbursements)."

Union River did not file access charges in response to the cancellation of the settlements contract by Bell Atlantic. However, the May 27 filing purports to establish access charges that satisfy the requirement of section 8(J)(2)(c), i.e., 40% of the difference between previous access levels and the rates required by subsection J(2)(d). Union River had no prior access charges (other than the Bell Atlantic rates in which it concurred). Like other independent telephone companies, Union River used present settlements levels as the starting point for determining the 40% reduction.

We have reviewed Union River's filing and have determined that it uses a reasonable methodology for calculating present settlements levels (the starting point), the amount required by section 8(J)(2)(d) (the end point) and 40% of the difference between the two. For the end point, Union River has used the second of the two alternatives permitted by section 8(J)(2)(d), i.e., NECA disbursements. As indicated in our recent Order in *Mid-Maine Telcom, Proposed Rate for Intrastate Access Service*, Docket No. 97-959 et al., we will examine the validity of that

second alternative. We find that Union River's rates are reasonable and approve them.

Section 8(B) of Chapter 280 requires "other LECs" to concur in the switched access and applicable private line and special access schedules of Bell Atlantic. That requirement of the Rule was based on an assumption that settlements of toll revenues between Bell Atlantic and the ITCs would continue. The assumption is no longer valid, and we therefore grant a waiver from this requirement pursuant to Chapter 280 § 15.

Wherefore we,

O R D E R

1. The access charges of Union River Telephone Company, consisting of Section 405, Page 1, 1st Revision, filed on May 27, 1998, are hereby approved; pursuant to 35-A M.R.S.A. §§ 307 (first paragraph) and 309(2), the rates shall be effective on May 30, 1998, the date required by Chapter 280 § 8(J)(2)(c).

2. Pursuant to our authority in Chapter 280, § 15 to exempt or waive, for good cause, any requirement of Chapter 280, we waive the requirement of Section 8(C) that Union River Telephone Company concur in the access schedules of New England Telephone and Telegraph Company (NET) d/b/a Bell Atlantic-Maine. We grant the waiver because that requirement was predicated on the assumption that NET and the independent telephone companies (ITCs) named in this Order would continue the settlements of toll revenues. Because NET has canceled the settlements contracts between itself and Union River Telephone Company, the requirement is no longer valid.

Dated at Augusta, Maine this 3rd day of June, 1998.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

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